

Benchmarking Policy Brief – Regional and State Regulatory Relationships
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Regional water management requires close communication and collaboration among state regulators and regional officials. In all four regions studied, metropolitan planning organizations not only engage local stakeholders but also share planning and oversight with state government departments. While fulfilling the requirements of Section 208 of the Clean Water Act, this work also facilitates more efficient infrastructure development and makes possible sound, thoughtfully integrated water and land-use planning.

In the Milwaukee metropolitan area, the Southeastern Wisconsin Regional Planning Commission developed the region's first water quality management plan in 1979. A 2003 Memorandum of Understanding among SEWRPC, the Milwaukee Metropolitan Sewerage District, and the Wisconsin Department of Natural Resources supported an update to this plan. The Memorandum delineated responsibilities and duties of the parties – the WDNR to set water quality standards; SEWRPC to ensure that water planning was consistent with land use planning; and the MMSD to fund research and to establish sewerage and flood management facilities and programs. Their cooperation will result in a watershed approach to water quality and facilities planning in the region.

Minnesota's environmental regulators entrust the Metropolitan Council with critical roles in managing the Minneapolis-St. Paul metropolitan area's water resources. State law requires the Council to develop a water resources plan to achieve state and federal water quality standards and to evaluate local plans for consistency with Council and State Department of Natural Resource requirements. The Minnesota Pollution Control Agency sets water quality standards for each river or stream in the area, but the Council ensures that the metropolitan area is not adversely affecting waters that run through it. The Council also collaborates with local and state bodies to reduce non-point-source pollution of wetlands, lakes, streams, and rivers.

The Northeast Ohio Areawide Coordinating Agency completed the Cleveland area's regional water quality management plan in 1979, then expanded it in the *Clean Water 2000* planning document. NOACA's authority is supported by the Ohio EPA, which does not process applications for NPDES permits or permits to install septic systems that conflict with the plan. This relationship requires municipalities to extend sanitary sewers according to the plan, to inspect septic systems regularly, and to undertake stormwater management. NOACA's attempts to reduce intergovernmental competition and conflict include delineating and negotiating sewer service areas to promote efficient and effective service provision.

In the Atlanta metropolitan area, the Metropolitan North Georgia Water Planning District works closely with the Georgia Environmental Protection Division to put into place watershed management, wastewater capacity, and water supply plans. The state EPD Director can modify existing municipal permits to make them conform to district plans and can reject new permit applications that are not in compliance with district plans. In addition, local governments that do not enact the district planners' model legislation or do not meet standards lose eligibility for state funding for an array of water infrastructure and conservation projects.

Benchmark partners attempt to use their regulatory powers judiciously. They employ these powers to compel negotiation and cooperation; they are usually reluctant to force local governments to accept plans. They gave examples of resorting to this power as a last measure. If too relentlessly and frequently applied, this power could result in resentments that undermine the planning agency and its regional goals.

In these four regions, state government supports regional water planning and management by delegating facilities planning to regional planners and by reinforcing their decisions with state regulatory powers. As regional entities involved in water management, planning agencies have the opportunity to guide efficient infrastructure investments and to advance sustainable local development. The existence of such an intermediary organization—to which there is as yet no analogous entity in southwestern Pennsylvania—is crucial to the implementation of water and sewage management plans that meet both regulatory requirements and regional goals.

